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December 15, 2004

Henry Walker
Boult, Cummings, Conners, Berry, PLC
1600 Division Street, Suite 700
P.O. Box 340025
Nashville, TN 37203
VIA FACSIMILE (615) 252-6380

T.R.A. DOCKET ROOM

2004 DEC 15 PM 1:20

RECEIVED

**Re: Petition of King's Chapel Capacity, LLC
Docket No. 04-00335**

Dear Mr. Walker:

This letter is in reference to our conversations of Friday, December 10th, 2004 and Tuesday, December 14th, 2004, including your letter of December 13th, 2004. During our telephone conversation, I did inform you that I expected to enter an appearance in the matter before the T.R.A. based on the fact that I am handling the Chancery Court case, filed by TWS and On-Site Capacity, in that a better understanding of the case in front of the T.R.A. may assist me in the representation of my client in the Chancery Court of Williamson County. However, as I have explained several times, I am not lead counsel at the T.R.A., nor was I familiar with the rules of the T.R.A.

During our conversation, in which we discussed the timing of the depositions, and speaking with our clients regarding the delay of the depositions, I was unaware that there was a scheduling order in place, issued by the hearing officer, Jean Stone, for the T.R.A. Furthermore, you stated to me that your clients would not appear at the deposition, based on the fact that the hearing officer was not informed of these depositions and that the rules of the T.R.A. require the hearing officer's approval of depositions and the Rules of Civil Procedure did not allow a deposition to be taken on such short notice. You further stated that you had sent a letter to Mr. Militana, outlining your position. Under the assumption that your information was correct, I did agree to consult with my client,

regarding taking the deposition during the week of December 20th – 27th, however, I did not excuse your clients from the depositions, as I did not have any authority to do so.

My discussions with you regarding scheduling a different time for depositions was based on your assertion that your client would not be there and the rules of the T.R.A. and Civil Procedure had been violated. Upon a cursory review of the rules of the T.R.A., it is my understanding that two attorneys may not agree to an extension of time regarding discovery, without first seeking the approval of the hearing officer for the authority. In no way do I want to violate or circumvent any rules of procedure at of the T.R.A. have been. Furthermore, it is my understanding that Mr. Militana had sent you a letter after our discussion, stating that we would have the depositions, and you could expect to see your client at the deposition at my office on Monday, December 13th, 2004 at 2:30 p.m.

Respectfully,



F. Shayne Brasfield

FSB:mlf

Cc: John Powell
Richard Militana
Jean Stone



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Fax From: # SHAYNE BRASFIELD

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Contents: LETTER TO HENRY WALKER

Regarding:

PETITION OF KING'S CHAPEL CAPACITY, LLC
DOCKET NO. 04-00335

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